

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

RANDY HAROLD WRIGHT and
MAE ALISE WRIGHT

v.

BRAD DEPEW, *ET AL.*

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NO. 2:07-CV-166

MEMORANDUM OPINION AND ORDER

Plaintiff Harold Wright sued the defendants pursuant to Title 42 United States Code sections 1981 and 1983, and his wife sued them pursuant to section 1981 and under several derivative state law theories. Though difficult to determine from the complaint, Mae Alise Wright's claims include: loss of consortium, intentional infliction of emotional distress, negligent infliction of emotional distress, and financial loss as a result of her husband's treatment. This Court has granted several motions to dismiss and motions for summary judgment over the course of this litigation. As a result, the only remaining claims are the derivative state law claims of Mrs. Wright. Given the age of this case, this Court is not inclined to dismiss these state law claims for lack of jurisdiction. Nonetheless, it appears to this Court that all of her claims are dependent upon Mr. Wright's claims, which this Court has dismissed. In addition, this Court gleans from the record that Mrs. Wright was not even present at the incident

in question. As such, this Court hereby gives notice that it intends to enter summary judgment *sua sponte* on these claims. *See Yashon v. Gregory*, 737 F.2d 547, 552 (6th Cir. 1984). The parties shall file any briefs regarding this issue on or before July 6, 2010. If no briefs are filed by this date, the Court will enter summary judgment on these derivative state law claims in favor of the defendants.

SO ORDERED.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE